

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CITIBANK, N.A.

Petitioner,

-against-

JAMES MCPARTLAND,

Respondent

1:20-cv-8673 (ALC) (BCM)

ORDER

ANDREW L. CARTER, JR., United States District Judge:

On March 31, 2022, the Court entered Default Judgment in Petitioner Citibank N.A.’s favor in the amount of \$201,665.79. (ECF No. 16). Respondent James McPartland has failed to pay any part of the judgment obtained against him by petitioner; failed to respond to Citi’s post-judgment asset interrogatories; failed to comply with United States Magistrate Judge Barbara Moses’ order directing him to respond to those interrogatories; failed to respond to Citi’s motion to hold him in contempt of that order; and failed to appear before Judge Moses on June 29, 2023, as ordered, for a hearing on Citi’s contempt motion. (ECF No. 26). On April 3, 2022, this matter was referred to Judge Moses for disposition of Citi’s Motion to Compel. (ECF No. 20). The Court now considers the Report and Recommendation issued by Judge Moses, recommending that Respondent James be held in contempt pursuant to Federal Rule of Civil Procedure 37(b)(2)(A)(vii).

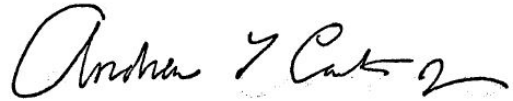
Despite notification of the right to object to the Report and Recommendation, no objections were filed. Where no timely objections are made, the district court reviews the Report and Recommendation for clear error. *Sacks v. Gandhi Eng’g, Inc.*, 999 F. Supp. 2d 629, 632 (S.D.N.Y. 2014). As there are no objections to the Report and Recommendation and as the Court finds no clear error in the record, the Court adopts the Report and Recommendation in its entirety.

Respondent McPartland shall be held in contempt pursuant to Federal Rule of Civil Procedure 37(b)(2)(A)(vii) and fined in the amount of \$500 per week, beginning one week after this

order of contempt is served upon him, until such time as he answers Citi's asset interrogatories, first served upon him on October 26, 2022. Citi is directed to submit one or more declarations setting forth its reasonable fees and costs incurred in moving for contempt sanctions, attaching and authenticating counsel's time records and admissible documentation concerning out-of-pocket costs.

SO ORDERED.

Dated: December 7, 2023
New York, New York

A handwritten signature in black ink, appearing to read "Andrew L. Carter, Jr.", written over a light gray rectangular background.

Andrew L. Carter, Jr.
United States District Judge